



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,152	01/04/2001	Andreas Schwager	50N3367/1175	3179

24272 7590 01/12/2005

Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

EXAMINER

BARNES, CRYSTAL J

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/754,152

Applicant(s)

SCHWAGER, ANDREAS

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) 15-25 is/are allowed.
6) ☒ Claim(s) 1,2,10 and 12-14 is/are rejected.
7) ☒ Claim(s) 3-9 and 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a second Non-Final Office Action in response to the Amendment received on 01 November 2004. Claims 1-25 are pending in this application.

Response to Arguments

2. Applicant's arguments, see Remarks pages 10-11 and 13-14, filed 01 November 2004, with respect to the rejection of claims 1-25 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of JPPN 8-550803 to OKABE et al.

Oath/Declaration

3. The oath or declaration is defective. An application data sheet in compliance with 37 CFR 1.76 identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not correctly identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55,

and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the correct application number, country, day, month and year of its filing.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Europe on 06 July 1998. It is noted, however, that applicant has not filed certified copies of the 98 112 500.8, 98 112 499.3 and 98 112 501.6 applications as required by 35 U.S.C. 119(b).

5. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) based upon a provisional application filed on 06 July 1998.

Drawings

6. The amendments to the specification to add the reference characters in the description were received on 01 November 2004. These corrections are acceptable.

7. The corrected drawing sheet was received on 01 November 2004. This replacement is acceptable.

Claim Rejections - 35 USC § 112

8. The amendments to the claims were received on 01 November 2004. These corrections are acceptable.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by JPPN 8-550803 to OKABE et al.

As per claim 1, the OKABE et al. reference discloses a method to control a controllable device with a control device in a network comprising several control devices, comprising reserving the controllable device (see Abstract, "secondary

storage device 2") with a first control device ("controller 1") as a primary controller ("controller 1"); and preventing a second control device ("controller 2") or a further control device from overruling primary control ("exclusive control") of the first control device ("controller 1") with secondary control commands ("access").

As per claim 10, the OKABE et al. reference discloses the control device (see Abstract, "controller 1") sends control commands ("normal data access") directly to the controllable device ("secondary storage device 2") that is to be controlled ("accesses").

As per claim 14, the OKABE et al. reference discloses said controllable device (see Abstract, "secondary storage device 2") is a consumer electronic device ("secondary storage device 2").

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JPPN 8-550803 to OKABE et al. in view of logical reasoning.

As per claim 2, the OKABE et al. reference discloses the second control device (see Abstract, "controller 2") can reserve the controllable device ("secondary storage device 2") after the reservation ("reserve command") of the first control device ("controller 1") as a secondary controller ("controller 2") so that a further control device can not overrule secondary control ("access") of the second control device ("controller 2") with further control commands ("access").

The OKABE et al. does not expressly disclose a further control device cannot overrule secondary control of the second control device with further control commands.

However, it would have been logically to one of ordinary skill in the art to modify the controllers by including further/additional controllers without departing from the scope of the invention.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the controllers taught by the OKABE et al.

reference by including further/additional controllers to flexibly cope with the fault of one or more controllers.

One of ordinary skill in the art would have been motivated to modify the controllers by including further/additional controllers to flexibly cope with the fault of one or more controllers, thereby increasing reliable access to each secondary storage device from each controller.

As per claim 12, the OKABE et al. reference does not expressly disclose said network (see Abstract, "common 150") is a home network.

As per claim 13, the OKABE et al. reference does not expressly disclose said network (see Abstract, "common 150") is a 1394-based network.

However, it would have been logically to one of ordinary skill in the art to modify the common between the controllers and the secondary storage devices to communicate via home network protocols and/or 1394-based network protocols without departing from the scope of the invention.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the common between the controllers and the secondary storage devices taught by the OKABE et al. reference to communicate

via home network protocols and/or 1394-based network protocols to increase the speed of access to each secondary storage device from each controller and to increase the capacity of the secondary storage device available on the home network and/or 1394-based network.

One of ordinary skill in the art would have been motivated to modify the common between the controllers and the secondary storage devices to communicate via home network protocols and/or 1394-based network protocols to increase the speed of access to each secondary storage device from each controller and to increase the capacity of the secondary storage device available on the home network and/or 1394-based network, thereby increasing the functionality of the access control system.

Allowable Subject Matter

13. Claims 3-9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 15-25 are allowable.

15. The following is a statement of reasons for the indication of allowable subject matter:

As per claim 3, the prior art of record taken alone or in combination fails to teach the controllable device sends a rejection to the second control device working as the secondary controller trying to overrule the first control device working as the primary controller or to the further control device trying to overrule the first control device working as the primary controller, or the second control device working as the secondary controller, and said rejection including a list of all primary and/or secondary controllers.

As per claim 11, the prior art of record taken alone or in combination fails to teach the control device can reserve the controllable device or pre-empt another control device via a resource manager included in the network.

As per claim 15, the prior art of record taken alone or in combination fails to teach a resource manager configured to arbitrate between said first controller and said second controller for controlling access to said primary control over said electronic device.

As per claim 20, the prior art of record taken alone or in combination fails to teach a resource manager configured to reserve said primary control over said network resource for said first client.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference is cited to further show the state of the art with respect to resource sharing and arbitration in general:

USPN 6,654,821 B1 to Aikawa et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight
Supervisory Patent Examiner
Group 3600

CJB
4 January 2005